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ASETEK DANMARK A/S

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

ASETEK DANMARK A/S,

Plaintiff and
Counterdefendant,

v.

COOLIT SYSTEMS, INC.,

Defendant and
Counterclaimant.

CASE NO. 3:19-cv-00410-EMC

**ASETEK'S ADDENDUM TO CLARIFY
ITS PROPOSED SCHEDULE IN
FURTHER JOINT CASE MANAGEMENT
CONFERENCE STATEMENT**

Date: December 22, 2020
Time: 1:30 PM
Location: Courtroom 5, 17th Floor
Judge: Hon. Edward M. Chen

Plaintiff and Counterdefendant Asetek Danmark A/S (“Asetek”) and Defendant and Counterclaimant CoolIT Systems, Inc. (“CoolIT”) jointly submitted a FURTHER JOINT CASE MANAGEMENT STATEMENT (Dkt. No. 201) on December 15, 2021. This addendum clarifies Asetek’s proposed case schedule to specifically include two details that were negotiated between the parties and explained in Asetek’s opposition to CoolIT’s pending motion to amend pleadings (Dkt. 191 at 11, citing Dkt. 186-6 at 4), but which were not expressly stated in Asetek’s proposed schedule in the joint statement. Asetek’s points of clarification are in redline below; the table is otherwise the same as in the joint case management conference statement.

Event	Asetek’s Proposed Dates assuming Capellix included but not CoolIT’s “new design”	CoolIT’s Proposed Dates assuming the Capellix and/or “new design” are included in this case
<p><u>Asetek’s proposal:</u> If the Court orders that the Capellix product be included as an accused product in the present case, Asetek to serve (a) identification of asserted claims from the ‘362, ‘354, ‘355, ‘601, and ‘196 patents against accused CoolIT products including Capellix (subject to an overall limit of 16 claims with no more than 5 claims per patent and no new claims from the ‘362, ‘354, and ‘355 patents, i.e., claims for these patents must be from the previously selected 16 claims), and (b) Asetek to serve amended infringement contentions including the Capellix product and the ‘601 and 196 patent <u>(Asetek to include no new infringement theories against the Capellix product).</u> If the Court orders inclusion of CoolIT’s prototype “new design” in this action, then <u>new infringement contentions including new theories/positions, as well as</u> full claim construction negotiations under the Patent Local Rules, briefing, and a hearing will be required, neither of the schedules proposed to the right will be adequate, and a further meet and confer should be ordered.</p> <p><u>CoolIT’s proposal:</u> If the court orders that the Capellix products and/or CoolIT’s new design be included as accused products in the instant case, Asetek to serve (a) identification of asserted claims from all asserted patents against CoolIT products (including Capellix and CoolIT’s new design) subject to an overall limit of 16 claims with no more than 5 claims per patent and no new claims identified from the ‘362, ‘354, and ‘355 patents; and (b) amended infringement contentions including the</p>	<p>5 court days after Court order permitting inclusion of the Capellix products in the present case</p>	<p>No later than 10 court days after Court order permitting inclusion of the Capellix products and/or CoolIT’s new design in the present case.</p>

1	Capellix products, CoolIT's new design, and the '601 and '196 patents.		
2	Asetek's proposal: If the Court orders that the Capellix products be included as an accused product in the present case, CoolIT to serve invalidity contentions for the '196 and '601 patents <u>(CoolIT to include no new prior art against the '196 and '601 patents that are not already elected by CoolIT against Asetek's '362, '354, and '355 patents).</u>	10 court days after Asetek serves infringement contentions	No later than 15 court days after Asetek serves amended infringement contentions.
3	CoolIT's proposal: If the Court orders that the Capellix products and/or CoolIT's new design be included as an accused product in the present case, CoolIT to serve invalidity contentions for the '196 and '601 patents		
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9	Deadline to move to add parties or amend the pleadings	January 15, 2021 or 5 court days after Court order permitting inclusion of the Capellix product in this case	January 15, 2021 or 5 court days after Court order permitting inclusion of the Capellix products and/or CoolIT's new design in this case, whichever is later.
10			
11			
12			
13	Exchange of preliminary claim constructions and extrinsic evidence for the claim terms "plurality of [juxtaposed] fins" and "side[s] of the fins" in CoolIT's '330 patent	January 7, 2021	January 28, 2021
14			
15			
16	Joint Claim Construction and Prehearing Statement and Expert Reports	January 21, 2021	As stated above, CoolIT does not believe separate claim construction briefing is necessary, but provides the following, alternate claim construction dates: February 11, 2021
17			
18			
19			
20			
21	Completion of Claim Construction Discovery	January 29, 2021	February 19, 2021
22	Opening Claim Construction Brief (CoolIT)	February 4, 2021	February 26, 2021
23	Responsive Claim Construction Brief (Asetek)	February 18, 2021	March 12, 2021
24	Reply Claim Construction Brief (CoolIT)	February 25, 2021	March 19, 2021
25	Claim Construction Hearing	March 11, 2021 (or at the Court's convenience)	At the Court's convenience.
26	Fact discovery cut-off	March 26, 2021	July 29, 2021
27	Opening expert reports	April 9, 2021	July 29, 2021
28	Rebuttal expert reports	April 30, 2021	August 19, 2021

Expert discovery cut-off	May 14, 2021	September 9, 2021
Deadline to file dispositive motions	July 15, 2021	September 9, 2021
Hearing on dispositive motions	August 19, 2021	October 14, 2021
Meet and confer re pretrial conference statements	September 28, 2021	November 9, 2021
Joint pretrial conference statement/trial briefs	October 12, 2021	November 30, 2021
Objections due	October 21, 2021	December 10, 2021
Pretrial conference	Nov. 2, 2021	December 21, 2021 at 2:30 P.M.
Trial	Nov. 29, 2021	January 24, 2022 ¹
Estimate of trial length (in days)	10-12 court days	7-10 court days

Dated: December 18, 2020

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¹ CoolIT's proposed trial date was chosen to minimize issues with witness availability during the holidays.